S.B. CIVIL WRIT PETITION NO. 5667/2006.

(VINOD KUMAR VS. STATE & ORS.)

DATE OF ORDER : 20.08.2007.

HON'BLE MR. GOVIND MATHUR, J.

Mr. H.R. Chawla for the petitioner.
Mr. B.L. Tiwari, Dy.GA, for the respondents.

Father of the petitioner deposited a sum of Rs.1,50,000/- with the State Government for allotment of land as per Rule 6-A of Rajasthan Colonisation (Allotment and Sale of Government Land to Pong Dam Oustees and their Transferees in the Indira Gandhi Canal Colony Area) Rules, 1972.

Hon'ble the Supreme Court subsequently struck down the provisions of Rule 6-A of the Rules of 1972 referred above in the case reported in AIR 1986 SC-3553. As a consequence thereof, the petitioners had to hand over the possession of the land involved herein to the respondent authorities. The respondents also refunded the actual amount to the petitioner being successors of late Shri Mathura Das.

The only grievance of the petitioner is that though the respondents have made the payment of actual amount deposited by their father, but the interest thereon has not been

paid. A reliance is also placed by counsel for the petitioner upon an order of this Court in SBCWP No.3671/2002 (Chotha Ram vs. State of Rajasthan) decided on 13.12.2003, wherein this Court directed the respondents to make refund of the petitioners amount along with 9% interest on the amount refunded.

The instant petition for writ is also disposed of with a direction to the respondents No. 1 and 2 to consider the case of the petitioner for grant of interest on the amount refunded in accordance with law within a period of three months from today. While considering claim of the petitioner, the respondents shall also keep in mind the law laid down by this Court in the case of Chotha Ram (supra).

(GOVIND MATHUR)J.

Anil/